

REMARKS

Claims 1 to 51 are pending. A restriction has been required to one of three groups of inventions, characterized as Groups I-III. The Groups, claims, and associated subject matter, as set forth in the Office Action, are as follows.

- I. Claims 1-19 and 47-51, drawn to a nitrogen-containing polyepoxy resin treated with a carboxylic acid, classified in class 528, subclass 365.
- II. Claims 20-43, drawn to a composition comprising a nitrogen-containing polyepoxy resin and a carboxylic acid, classified in class 525, subclass 533.
- III. Claims 44-46, drawn to a method of making a polyepoxy resin water-soluble by treating it with a carboxylic acid, classified in class 528, subclass 486.

Applicants hereby elect to prosecute the subject matter of **Group II** with traverse. While Applicants make no comment as to the distinctness of the invention, Applicants believe that the Examiner has not shown that a "serious burden" exists for searching the inventions. Applicants note that MPEP § 803 requires that even if two or more claim groupings are independent or distinct as claimed, there must also be a serious burden on the examiner to require restriction. If the search and examination of the entire application can be made without serious burden, the examiner **must** examine the entire application. The Examiner's groups: "nitrogen-containing polyepoxy resin treated with a carboxylic acid," "composition comprising a nitrogen-containing polyepoxy resin and a carboxylic acid," and "method of making a polyepoxy resin water-soluble by treating it with a carboxylic acid," have similar search requirements (note the Office Action's recognition that they are combination and sub-combination, process and product, etc.), such that searching all the claims would not be unduly burdensome. The Applicants are a small entity, and should not have to bear the increased prosecution and maintenance costs of three separate patents (if obtained) when the Examiner has yet to establish that there is a serious burden. Reconsideration is respectfully requested.

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PATENT


Should it be necessary, Applicants hereby reserve the right to file one or more divisional applications directed to any of the non-elected subject matter.

In compliance with the USPTO request for election of species, Applicants hereby elect Example 1, part A (located at paragraph [0076], page 19) for further prosecution. The claims in Group II readable upon this species include 20-34, and 36-42.

It is Applicants' understanding that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is Applicants' understanding also that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

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Walter C. Frank
Registration No. 52,911

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439